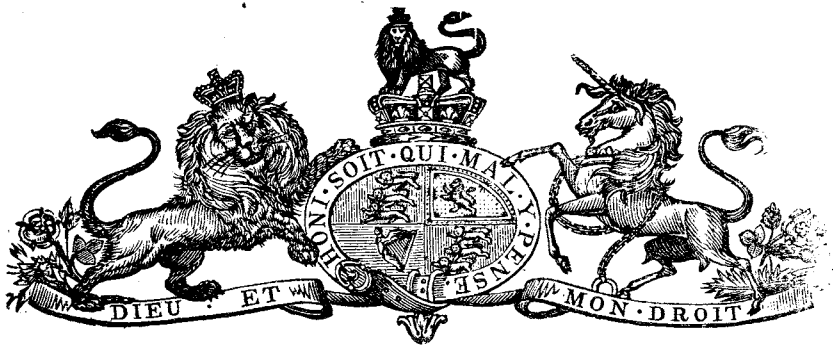


TASMANIA

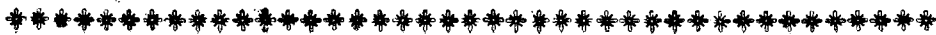


1900.

ANNO SEXAGESIMO-QUARTO

VICTORIÆ REGINÆ,

No. 57.



AN ACT to further amend "The Roads Act, 1884." [15 December, 1900.] A.D. 1900.

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as "The Roads Amendment Act, 1900." Short title.

2—(1.) If any owner or occupier of land adjoining any road permits or suffers any briar, bramble, gorse, or Californian thistle to spread from such land or encroach on such road, he shall be liable to a penalty not exceeding Twenty Pounds. Penalty for allowing briars, &c., to spread on to roads.

(2.) The authority having the control of such road may give to such owner or occupier notice in writing to effectually cut down, grub up, and remove such briar or gorse, or cut down and remove every such bramble or thistle within such time, not being less than Twenty-one days, as is mentioned in such notice, and if any such owner or occupier shall neglect or refuse to effectually cut down, grub up, and remove every such briar or gorse, or cut down and remove every such bramble or thistle within such time as is mentioned in such notice, or within such further time as such authority may sanction in writing, it shall be lawful for such authority to cause every such briar or gorse to be cut down, grubbed up, and removed, or every such bramble or thistle to be cut down and removed, as the case may be; and it shall be lawful for any Two Justices of the Peace, in Petty

4d.]

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Sessions assembled, upon proof thereof upon oath to them made, to levy the expenses of cutting down, grubbing up, and removing such briar or gorse, or of cutting down and removing such bramble or thistle, by distress or sale of the offender's goods and chattels, rendering the overplus, if any, to such offender, on demand.

(3.) Any such owner or occupier as aforesaid, upon clearing his land of every such briar or gorse as aforesaid, by cutting down, grubbing up, and removing the same, or of every such bramble or thistle by cutting down and removing the same, as the case may be, for a space at least Twenty feet wide along the whole length of the boundary line dividing his land from any road, or having his land cleared as aforesaid, may, by a notice in writing to the authority controlling such road, require the said authority to effectually cut down, grub up, and remove every such briar or gorse, or to effectually cut down and remove every such bramble or thistle as aforesaid, and thereafter to keep clear the said road of the same for a width of Twenty feet, or if the road be more than Forty feet wide, for at least half its breadth in front of his property.

(4.) If any authority neglects to comply with such notice within One month after service thereof upon its Chairman, the owner or occupier may, upon being empowered by an order made by any Two Justices of the Peace for that purpose, proceed to effectually cut down, grub up, and remove every such briar or gorse, or effectually cut down and remove every such bramble or thistle as aforesaid, and thereafter keep clear so much of the road as is herein provided, and such authority shall be liable to be ordered by any Two Justices in Petty Sessions assembled, upon proof thereof upon oath to them made, to repay to such owner or occupier the expenses incurred by him in so effectually cutting down, grubbing up, and removing every such briar or gorse, or cutting down and removing such bramble or thistle, as the case may be, and keeping clear the said road.

(5.) In this Section the word "road" shall include any public or common highway, railway, tramway, public reserve, or any place of public resort; and the words "owner of land" shall include the Commissioner of Crown Lands.

Repeal part of
Sect. 126,
48 Vict. No. 28.

3 Sub-sections v. and vi. of Section One hundred and twenty-six of "The Roads Act, 1884," are hereby repealed.

Penalty on
owner of
cattle straying
on roads.

4 The owner or usual keeper of—

- i. Any cattle, horse, sheep, pig, ass, or goat found grazing or straying upon any fenced or enclosed road:
- ii. Any pig found rooting up or damaging any road or the hedges or banks on the sides thereof:

shall forfeit and pay a penalty not exceeding Five Pounds, unless he shall prove that the presence of such cattle, horse, sheep, pig, ass, or goat on such road was not due to the negligence of himself, his servants, or agents.

See 48 Vict.
No. 28.
Sects. 120 & 131.

Provided, that it shall be lawful for any Road Trust (with the approval of the Governor in Council) to make, publish, alter, modify, and repeal rules for permitting any person or persons to graze and run any heifers and cows under proper control between sunrise and sunset in or upon any defined road or part of a road under the control of such Road Trust, subject to such conditions and restrictions as may

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be contained in such rules, including the payment of any fee or charge as may be thereby prescribed. A.D. 1900.

5 The word "for" is hereby substituted for the word "in" in the Second line of Section Nine of "The Roads Act Amendment Act, 1885." Amendment of Section 9 of 49 Vict. No. 38.

6—(1.) Any person may, with the consent of the Road Trust having the control of any cross or bye road as defined by "The Roads Act, 1884," erect a rabbit-proof fence and gate across any such road where such road passes through a rabbit-proof fence, for the purpose of preventing the passage of rabbits along such road. Rabbit-proof fence and gate may be erected across certain roads. 48 Vict. No. 28.

(2.) Every such gate shall be of a substantial character and properly hung and latched and of such width, not being less than Ten feet, as the Road Trust may approve. The Road Trust may at any time, upon giving to such person as aforesaid not less than Three months notice, cause any such gate to be removed.

(3.) Every such gate shall have distinctly painted thereon the words "Rabbit-proof gate," and also the words "Shut this Gate or incur a Penalty of Twenty Pounds"; and every person passing through any such gate shall shut and fasten the same; and any person who fails or neglects to shut any such gate on passing through the same or to fasten the same, shall forfeit and pay a penalty not exceeding Twenty Pounds: Provided that no person shall be liable to any penalty under this Section unless such gate is at the time of such failure or neglect in good and sufficient repair, and ordinarily capable of preventing the passage of rabbits. Penalty for not shutting gate.

7 Sub-sections (3.) and (4.) of Section Six of "The Roads Amendment Act, 1899," are hereby repealed, and in lieu thereof the following Sub-sections are hereby inserted:— Substitution for Sub-sections (3.) and (4.) Sect. 6 of 63 Vict. No. 37.

"(3.) Such compensation in default of agreement may be recovered in a summary way before any Two Justices of the Peace, who may, if they think fit, apportion any such compensation among Two or more users of the road, and may, if they think fit, adjourn the hearing of the matter to allow of any person sought to be made liable to pay any compensation to appear and be heard before them.

"(4.) In deciding the amount of compensation such Justices of the Peace shall have regard to the ordinary expense of repairing roads in the vicinity and to the usual use made of such roads by the ratepayers generally of the area, town, or district, and shall consider whether the traffic of any person has been or will be the cause of extraordinary expenses in repairing the roads he uses."

8 The words "or the Trustees of any Road District" are hereby inserted after the word "Board" in the Second line of the Sub-section (1.) III. of Section One hundred and nineteen of "The Roads Act, 1884"; and such words shall be deemed to have been inserted in such Sub-section upon and from the passing of the last-mentioned Act. Amendment of Sect. 119 of 48 Vict. No. 28.

9 If any portion of any Town duly proclaimed under "The Town Boards Act, 1896," ceases at any time to form part of such Town, and is immediately thereafter formed into a Road District, or is added to any Road District then in existence, the moneys in the hands of the Town Board of such Town, and the liabilities thereof at the date when such Distribution of assets, &c., when portion of Town formed into Road District.

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portion ceased to form part of the Town shall be divided between the Board of the Town and the Trustees of the Road District, in such proportions as the Auditor-General shall certify in writing.

The provisions of this Section shall apply as from the First day of *January*, One thousand nine hundred.

Distribution of assets, &c., when portion of Road District formed into another District.

10 If any portion of any Road District ceases at any time to form part of such Road District, and is immediately thereafter formed into another Road District, or is added to any other Road District then in existence, the moneys in the hands of the first-mentioned Road District and the liabilities thereof at the date when such portion ceased to form part of such first-mentioned Road District, shall be divided between the Trustees of the first-mentioned Road District and the Trustees of the Road District secondly or thirdly mentioned, as the case may be, in such proportions as the Auditor-General shall certify in writing.

Acts to be read together.

11 This Act and "The Roads Act, 1884," and every Act amending the same, save as altered by this Act, shall be read and construed together as one and the same Act.